

**MINUTES OF THE MEETING
of the NEBRASKA
BOARD OF Emergency
Medical Services
December 6, 2019**

CALL TO ORDER

The meeting of the Nebraska Board of Emergency Medical Services (EMS) was called to order by Dr. James Smith, Board President, at 0910, December 6, 2019, at Nebraska State Office Building, LLA, Lincoln, NE 68509. Copies of the agenda were mailed in advance to the Board members, emailed to interested parties, posted outside the Licensure Unit within the Nebraska State Office Building, and posted on the Department of Health and Human Services website. Smith announced the location of an available copy of the Open Meetings Act within the room.

ROLL CALL

The following board members were present to answer roll call:

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| • Michael Bailey | • Dr. Michael Miller |
| • Randy Boldt | • Carl Rennerfeldt |
| • Karen Bowlin | • Dr. James Smith |
| • Joel Cerny | • Scott Wiebe |
| • Ann Fiala | |

The following Board members were absent: Dr. John Bonta, Dr. Thomas Deegan, Linda Jensen.

The following staff members from the Department and the Attorney General's Office were also present during all or part of the meeting:

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| • Tim Wilson | • Lisa Anderson, <i>Assistant Attorney General</i> |
| • Wendy Snodgrass | • Susan Held, <i>Investigator</i> |
| • Laura Huggins | |

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Rennerfeldt made the motion, seconded by Miller, to adopt the agenda for the December 6, 2019, Board of EMS meeting.

Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

APPROVAL OF THE MINUTES

MOTION: Rennerfeldt made the motion, seconded by Bowlin, to approve the September 9, 2019 minutes.

Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Wiebe. Voting No: None. Abstain: Smith. Absent: Bonta, Deegan, Jensen. Motion carried.

MOTION: Fiala made the motion, seconded by Bailey, to approve the October 8, 2019 minutes.

Approved by the Board of Emergency Medical Services on 2/24/2020.
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Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Rennerfeldt, Wiebe. Voting No: None. Abstain: Miller, Smith. Absent: Bonta, Deegan, Jensen. Motion carried.

CLOSED SESSION

MOTION: Boldt made the motion, seconded by Cerny, for the Board to go into closed session for the purpose of reviewing and discussing investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals.

Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

0914 *Meeting went into closed session.*
 0927 *Miller left the meeting.*
 0932 *Miller returned to the meeting.*
 1007 *Meeting returned to Open Session.*

MOTION: Bailey made the motion, seconded by Rennerfeldt, for the Board to return to open.

Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

The Board took a short break from 1008 and returned at 1017.

LICENSURE RECOMMENDATIONS

Micaela Wagener – EMT APPLICANT

MOTION: Bailey made the motion, seconded by Bowlin, to issue an EMT license and assess an administrative penalty prior to issuing license.

Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Andrea Fletcher – Paramedic APPLICANT

MOTION: Rennerfeldt made the motion, seconded by Bailey, to recommend issuing a paramedic license with a six month probation period provided she complete a Board approved ethics course due to the lack of disclosure of convictions on her prior EMT license application.

Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Bryan Reyes – Paramedic APPLICANT

MOTION: Rennerfeldt made the motion, seconded by Wiebe, to issue a paramedic license with no restrictions.

Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Jenika Mullins – Conviction Review APPLICANT

MOTION: Miller made the motion, seconded by Cerny that it is the opinion of the Nebraska Board of EMS, based upon consideration of the information provided in the Nebraska DHHS Conviction Review Application, the history of substance use disorder and conviction on June 4, 2013, for attempted robbery, a Class 3 Felony, would not prevent the future issuance of a Nebraska EMS personnel license.

Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Cassandra Bixenmann – EMT APPLICANT

MOTION: Boldt made the motion, seconded by Fiala, to issue an EMT license with no restrictions.

Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Alvo Fire and Rescue – ALS Transport Service APPLICANT

MOTION: Bowlin made the motion, seconded by Bailey, to issue an Advanced Life Support Transport Service license with no restrictions.

Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

AGENDA ITEM

Wilson asked the Board to review the previously approved conviction guidelines policy for any changes. Huggins presented some suggested changes. Fiala motioned, seconded by Miller to remove the asterisked statement on applications with failure to report should go to the Board for review. Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Bailey motioned, seconded by Rennerfeldt to remove the asterisk in Category 2 for >10 years. Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Bailey motioned, seconded by Bowlin for individual applications that have no convictions to review but practiced without a license, the Department can approve the license for those that practice up to 100 days and assess an administrative penalty. The Department to supply a list of those providers to the following Board meeting. Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Wiebe motioned, seconded by Rennerfeldt to allow the Department to issue Emergency Medical Services applications without Board approval should there be no issues with the physician medical director, back-up response plan, protocols, or any other concerns from the EMS specialists. The Board is to be notified of any new approved service applications at the following Board meeting. Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

AGENDA ITEM

Huggins reported this is renewal year for Emergency Medical Technicians (EMT). There are approximately 5,600 EMTs in Nebraska. The turnaround for renewal is approximately two days. The fingerprint background results are being received from the Criminal Investigative Division (CID) in approximately three to four weeks. Wilson reported that the office is considering modeling the process after other professions to shorten the time for license issuance without the delay due to the background check process. Wilson also reported that Mark Pyle, Deputy Director, is now in charge of the Office of Emergency Health Systems

(OEHS) and EMS Licensing. He reported on REPLICA that the coordinated database is estimated to be established in March, 2020 and the Compact may be enacted after that.

Carol Jorgensen, EMS Program Manager, reported on the EMS Specialists activity report for EMS agencies and hospitals between January 1, 2019 and December 6, 2019. The periodic on-site inspections will begin in January, 2020. A section was added to the EHS licensing webpage with forms and documents that can be used for EMS service licensing. A hard copy letter will be mailed to each service explaining when the on-site inspections will begin and where to find information to assist with the inspection preparation. Services were chosen at random for the inspection scheduling. A document will be posted on the website that lists which services will be inspected in 2020. Smith asked if the physician medical director (PMD) would be notified of the scheduled service inspections. Jorgensen stated they can work on that.

Jorgensen also commented on the ground ambulance providers and suppliers that have been selected to participate in the Medicare Ground Ambulance Data Collection System. The EMS Specialists reached out to the ambulance services in Nebraska that were selected to collect data in 2020 to ensure they were aware they had been selected and where to find more information and online training session. Wilson will send out the link to the training session to the Board.

Snodgrass, Education and Compliance Manager, reported on training agency site visits and the new policy regarding non-compliances. National Registry cognitive pass rate data was shared with the Board members. She discussed preliminary plans to change the method of the Basic Life Support (BLS) psychomotor exam to scenario based testing instead of the skills sheet testing currently being completed. The estimated timeline for the change is in 2021. Smith commented that the SIM-NE trucks may be utilized to aid with the BLS psychomotor exam.

Debbie Kuhn, EMSC and CISM Program Manager, gave an update on the Pediatric Emergency Care Coordinator and Peds Ready Decal Recognition programs. The 2020 Ambulance Assessment will be opened on January 7, 2020. The program is required to have at least an 80% response rate.

Kuhn reported on the number of CISM interventions this year. Five basic training sessions were set up across the state. She also gave an update on the Crew Care App regarding the anonymous data collected from users.

Sherri Wren, Trauma Program Manager, reported the number of designated trauma centers and the Trauma Board Vacancies. The Trauma Rules and Regulations went to public hearing with some comments made by the public. The Board made changes after discussion based on the public comments. The program is looking into Trauma Quality Improvement Program (TQUIP) collaboration with the adult Level I and II trauma centers for data collecting for process improvement opportunities. They are looking at statute interpretation for the release of autopsy results. A new chairman and vice-chairman were elected to the Board. She reported that there will be a strategic planning session for new program goals in March. The program is still working through the process improvement project of the designation process.

Rebecca Neumiller, Stroke/STEMI Program Manager, reported the Mission:Lifeline stroke education is being rolled out to services. The classes end in July, 2021. The program is still working to expand the Cardiac Arrest Registry to Enhance Survival (CARES) registry.

Wilson reported on the changes to the Elite/eNARSIS run report. Approximately 70% of the drop down lists have been modified to make the report more user-friendly. Positive feedback has been received. A new run form was developed with order changed to more of a chronological order, changes to the vitals section, and implemented more visibility rules to reduce more data elements to complete. Forty Beta-testers were selected to use the new run form to gather comments and suggestions. The new run form to be implemented in early 2020. Smith asked if the new run form will affect data collection. Wilson stated it should not. The Board discussed data collection capabilities and which elements to be reported annually and or bi-annually. The Board would like the number of runs, ALS/BLS service runs, pediatric vs adult trauma and medical runs, average chute time for volunteer vs paid, and the number of air medical services be reported. Dr. Eric Ernest recommended looking at the National Compass Measures to base data collection elements on.

Wilson reported there will need to be a date change for the December 4, 2020 meeting due to location issue. The general Board consensus was to reschedule the meeting to December 11, 2020.

AGENDA ITEM

Dr. Eric Ernest, Statewide Physician Medical Director, asked the Board for an official opinion regarding the capacity of the patient to refuse care. He stated the Attorney General's office needs an official opinion submitted from the Department of Health and Human Services with recommendation from the Board on what constitutes the capacity of a patient to make a competent decision. Boldt motioned, seconded by Bowlin, that the Board recommends the DHHS office to ask for the official Attorney General Office's opinion on the capacity of an individual to make an informed medical decision. Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Dr. Ernest stated he continues to work with the protocol committee on protocol revisions. He recommends to include modifications of protocols based on changes from Mission: Lifeline. Ernest brought up the topic of where the oversight lies in dispatch centers specifically with Emergency Medical Dispatch (EMD). Many EMD centers have out-of-date protocols. He recommends oversight or recommendations from the board. This to be discussed during the upcoming strategic planning session.

The Board took a break at 1208 and resumed at 1233.

AGENDA ITEM

Protocol Updates: Miller motioned, seconded by Bailey to add "May control external bleeding with the use of junctional tourniquets with physician medical director approval and direction." Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Rennerfeldt motioned, seconded by Boldt to remove all specific references to specific pain medications and add reference to the pain management page. After discussion, the motion was withdrawn. Boldt motioned, seconded by Cerny for the EMT level of practice to consider pain management where appropriate and to refer to the pain management protocol. Add a list of contra-indications to the oral medications on the formulary. Voting Yes: Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: Bailey. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Miller motioned, seconded by Bailey to add "It is within the AEMT and Paramedic scope for EMS personnel to engage in providing bronchial hygiene therapy providing they are credentialed, trained, and with physician medical director approval. Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Miller motioned, seconded by Rennerfeldt to replace CVA with stroke and remove CVA reference from the protocols. Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Boldt motioned, seconded by Rennerfeldt to add Tranexamic acid (TXA) in protocols with direction from the protocol committee for recommendations and dosages. Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

AGENDA ITEM

Bowlin reported on behalf of the Nebraska Emergency Medical Services Association (NEMSA) the upcoming conference and convention dates. NEMSA is asking for Board members to attend the open forums on January 12, 2020 in Kearney and on March 13, 2020 in Columbus. Rennerfeldt motioned, seconded by Bowlin, to authorize members to attend the open forum. The attending members to be named at a later date. It was reminded of the Board to minimize the number attending so a quorum would not be present. Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Dave Huey, NEMSA board member, invited the EMS Board members to attend the NEMSA board meeting with the date to be announced. Bowlin motioned, seconded by Miller, to authorize board members to attend the NEMSA board meeting. Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried. NEMSA elections are upcoming. Huey stated there will be a senator breakfast in January that is open to any NEMSA member. That date to be announced. There will be monthly broadcasts with NEMSA updates on radio station KRVN.

AGENDA ITEM

Cerny reported a legislative update regarding the proposed change to the 50 cent for life funding to help with the SIM-NE program.

AGENDA ITEM

Wilson gave an update on the Nebraska Emergency Treatment Order/Physician Orders for Life Sustaining Treatment (NETO/POLST) form that it cannot be stated in protocols to use one form or the other. We can put into protocols that these types of forms are acceptable to use. It was asked that a representative of the forms provide more information at a future board meeting.

AGENDA ITEM

Wilson gave an update on EMS access to pharmaceuticals. There were not any changes in statute or regulations. The potential issue started with a question which led to an interpretation of the statute. The Board discussed the letter regarding direct sale of medications to a licensed emergency medical service from a licensed retail pharmacy. The subject is still being researched. Hospital pharmacies are not able to sell to entities not owned by the hospital. The Board discussed alternatives including setting up a cooperative or distribution site, and encouraging outside associations to push for statute change.

There has been a change federally where entities that purchase from suppliers now have a minimum quantity that is required for purchase. There was public comment from Andrew Snodgrass, on behalf of Nebraska City Fire and Rescue, regarding the minimum quantity purchase. This will be a hardship financially with the approximate 30% increase in cost with the chance of medications expiring before use and will have to be disposed of creating unnecessary waste. He commented on the option that a service could acquire a wholesale distributor license and re-sell to other services. This would require having a pharmacist on site. Snodgrass stated his service met with Senator Slama regarding the issue. She is willing to submit a bill proposal based on the Boards recommendation of this issue. Smith brought up the discussion of a utilizing Group Purchasing Organization (GPO) if it is an option at the state level. Ernest commented at looking to change state regulations to allow hospital pharmacies to sell medications to EMS agencies. Rennerfeldt motioned, seconded by Bailey for Dr. Smith to engage in conversations with stakeholders regarding possible resolutions. Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

AGENDA ITEM

Smith reported the statute sub-committee has been working on potential changes to include Critical Care Paramedic and Community Paramedicine/Mobile Integrated Health language as well as other minor changes. A proposed draft will be sent to Board members for review. The proposal was sent to Senators Dorn and Bostelman. Bostelman has agreed to take on the statute change proposition for the next legislative hearing. It was suggested stakeholders be engaged for review and comment. Miller motioned, seconded by Bowlin for Board members Miller, Bailey, Smith, Fiala, Boldt, and Jensen to be designated to represent the board in discussions advocating for the proposed statute change. Voting Yes: Bailey, Boldt, Bowlin, Cerny, Fiala, Miller, Rennerfeldt, Smith, Wiebe. Voting No: None. Abstain: None. Absent: Bonta, Deegan, Jensen. Motion carried.

Cerny left at 1430.

AGENDA ITEM

Smith reported the proposed drafts of rules and regulations are at the Governor's Policy Research Office (GPRO). There were no other comments regarding LR 395.

AGENDA ITEM

Fiala asked the Board to review the proposed joint position paper regarding the opinion of the role of nursing in EMS. There were no proposed changes. They are now just waiting on the final draft.

AGENDA ITEM

Wilson reported the Office is still waiting on a response regarding proposed drafts of rules and regulations from the GPRO. The next step is a public hearing. The Office has an option of a 30 or 60 day notice for the public hearing.

AGENDA ITEM

Wilson reported that there are currently five open vacancies on the EMS Board: two public, law enforcement officer, physician assistant, and advanced EMT. There are applications for all positions except for the law enforcement officer. The applications were reviewed by the director of Public Health and his final recommendations were made and sent to the Governor's Office for approval. Wilson to check on the status of the applications.

AGENDA ITEM

Wilson stated that the Board meetings will be available via webcast but cannot take public comment if the person is not at the meeting site. The Board members must be present at the meeting site in order to vote. The Office is looking into purchasing a 360-degree camera/microphone and hope to have available at the next meeting. The State provided computers will not be available for future meetings for Board members. There are no known solutions at this time; the Office is looking into using grant funds for computers to be available for all EHS related board meetings.

AGENDA ITEM

Wilson reported that the Office of Rural Health has approved the funding for the Strategic Planning Session expenses. He will start the contract process.

Bailey left at 1457.

Smith asked the Board members how they would like the Strategic discussion process to go. He asked for input from stakeholders. Board members to develop a list of potential invites for public attendance. The location of the session is to be determined. SafeTech Solutions will be the facilitator. Smith asked the Board members to bring a list of invites and input on the top five challenges in the state to the February Board meeting in order to develop an agenda.

AGENDA ITEM

Public comment regarding why BLS intra-muscular epinephrine administration is only listed for anaphylaxis whereas the epinephrine auto-injector is listed for anaphylaxis and status asthmaticus. This is to be discussed in the protocol committee.

CONCLUSION AND ADJOURNMENT

There being no further business, the meeting adjourned at 1507.

Respectfully submitted,

Wendy Snodgrass
EHS Education and Compliance Manager